

## **REMARKS**

Claims 1-10 are pending in this patent application, with claims 1, 4, 5, 6, 9, and 10 amended and claims 2, 3, 7, and 8 cancelled herein. No new matters is added by these amendments.

In the office action, claims 1, 2, 6, and 7 are rejected under 35 U.S.C §102(e) as anticipated by U.S. Patent No. 6,563,797 to Kung. Claims 3, 5, 8, and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kung in view of U.S. Patent No. 6,496,483 to Kung (Kung 2). Finally claims 4 and 9 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kung view of Kung 2 and in further view of U.S. Patent No. 6,839,323 to Foti. Reconsideration of the rejections is respectfully requested in view of the foregoing amendments and the following remarks.

As previously argued and as best understood, Kung merely teaches that a frame (packet), received from a target IP phone station 101 to be monitored, is copied to be transferred to a monitoring station 103 (see column 2, lines 50-54 and 58-63, and items 111 and 109 in Fig.1). Further the Kung teaches at Column 2, lines 31-40 & Fig.2, S207 replicating/duplicating packets to be forwarded to the monitoring station. With respect to Kung 2, as best understood, the relied upon portions teach that a single request generates multiple duplicate calls to a plurality of different monitoring stations for a target IP telephone simultaneously at a plurality of monitoring stations. And Fig.2, S211-217 of Kung 2 teaches a similar target IP telephone as that described in Kung.

Accordingly, it is submitted that the relied upon portions of Kung and Kung2 fail to teach the features of original claims 3 and 8 which are incorporated into claims 1 and 6 by these amendments. That is, neither Kung nor Kung 2 teach

determining whether or not the received frame is to be monitored, generating the dual-purpose frame in which predetermined header information is substituted for header information of the received frame when determining that the received frame is to be monitored, and multicasting the dual-purpose frame to be outputted by editing header information of one of the multicast frames for normal transferring and header information of the other frame for monitoring, and further editing both of the multicast frames with header information respectively.

As recited in claim 1, copied packets are edited again after multicasting, thus as in the case of the output data shown in Fig. 4, one aspect of claims 1 and 6 is that the method and apparatus described therein can transfer packets of different frame formats depending on their destinations. Such a feature is not contemplated by either Kung or Kung 2. Therefore it is respectfully submitted that independent claims 1 and 6 patentably distinguish over the relied upon portions of Kung and Kung 2 and are allowable. Further these shortcomings of Kung and Kung 2 are not addressed by the relied upon portions of Foti. Claims 4, 5, 9, and 10, which depend from one of these allowable base claims, are allowable therewith.

### **Conclusion**

In view of the remarks and amendments set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Nathan Weber/  
Nathan Weber  
Reg. No. 50,958

CUSTOMER NUMBER 026304  
FUJZ 20.700 (100794-00492)  
Ph: 212.940.8564